

AMENDED IN ASSEMBLY JULY 28, 2004  
AMENDED IN ASSEMBLY MAY 3, 2004  
AMENDED IN ASSEMBLY JUNE 12, 2003  
AMENDED IN SENATE APRIL 29, 2003  
AMENDED IN SENATE APRIL 8, 2003

**SENATE BILL**

**No. 999**

**Introduced by Senator Machado**

February 21, 2003

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An act to amend Section 40600 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 999, as amended, Machado. San Joaquin Valley Unified Air Pollution Control District: district board membership.

**Existing**

(1) *Existing* law establishes the San Joaquin Valley Unified Air Pollution Control District formed by the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and consisting of the Counties of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and that portion of the County of Kern that is within the San Joaquin Valley Air Basin, as a single integrated agency with all staff under one centralized management structure that is able to implement programs on a basinwide basis. Existing law requires the district to be governed by a district board composed of a total of 11 voting members. Of those members, existing law requires 8

members to be appointed by each of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

This bill would increase the membership of the district board to 15 members. The bill would require 7 members to be appointed by each of the Counties of Fresno, Kern, Merced, San Joaquin, Stanislaus, and Tulare, and would require one member to be appointed by mutual consent between the Counties of Kings and Madera. The bill would require 5 city members to be appointed to the district board, and would require the City Council of Fresno to appoint 2 of those members, and the City Councils of Bakersfield, Modesto, and Stockton to each appoint one of those members. The bill would require 3 public members to be appointed to the district board, and would establish a process for nominating and selecting those public members. The bill would require the district board to select the 3 public members in compliance with that process by April 30, 2005, and would provide an alternate means of selection of those public members if the district board does not select those members by that date. Because of the additional duties this bill would require of the San Joaquin Valley Unified Air Pollution Control District, the bill would impose a state-mandated local program.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.



*The people of the State of California do enact as follows:*

SECTION 1. Section 40600 of the Health and Safety Code is amended to read:

40600. (a) The San Joaquin Valley Unified Air Pollution Control District formed by the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare pursuant to Chapter 3 (commencing with Section 40150), and consisting of the Counties of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and that portion of the County of Kern that is within the San Joaquin Valley Air Basin, is a single integrated agency with all staff under one centralized management structure that is able to implement programs on a basinwide basis, and has all of the following:

(1) An individual air pollution control officer who is responsible for the issuance of all permits by the unified district.

(2) A single budget for the unified district with resources allocated based on the program needs of the San Joaquin Valley Air Basin.

(3) A uniform fee structure.

(4) Three hearing boards established pursuant to Section 40800. One hearing board shall serve the northern region, one shall serve the central region, and one shall serve the southern region, as defined by the unified district board. Identical policies governing the operation of each hearing board shall be established by the unified district board and shall be binding upon each hearing board.

(5) A citizen's advisory committee.

(b) Rules and regulations adopted by the San Joaquin Valley Unified Air Pollution Control District are binding on all counties within the unified district. The unified district shall enforce all permits issued by the unified district and all permits issued by the individual county districts prior to formation of the unified district. The unified district shall review, revise, adopt, and implement any air pollution control plans required within the San Joaquin Valley Air Basin by state and federal law.

(c) Notwithstanding any other provision of law, the San Joaquin Valley Unified Air Pollution Control District shall be governed by a district board composed of 15 voting members, appointed as follows:

(1) Seven members, one of whom shall be appointed by each of the Counties of Fresno, Kern, Merced, San Joaquin, Stanislaus, and Tulare. The board of supervisors of each of those counties shall, by majority vote, appoint one of its members to serve as a member of the district governing board. One member shall be appointed by mutual consent between the Counties of Kings and Madera.

(2) Five city members appointed as follows:

(A) Two appointed by the City Council of Fresno.

(B) One appointed by the City Council of Bakersfield.

(C) One appointed by the City Council of Modesto.

(D) One appointed by the City Council of Stockton.

(3) Three public members appointed as follows:

(A) The air pollution control officer of the district shall establish a calendar and procedures for appointing public members to the district board not later than February 1, 2005.

(B) Candidates for public members shall be residents of the district, have a demonstrated interest and knowledge of the impact of air pollution on the San Joaquin Air Basin, and have a demonstrated understanding of the needs of the general public in connection with air pollution problems in the San Joaquin Air Basin. Candidates shall be able to attend substantially all meetings of the district board, to discharge all duties and responsibilities of a district board member on a regular basis, and to actively participate in the affairs of the district. A candidate may not be an employer or owner of a business or industry regulated by the district.

(C) Any of the following persons, groups, or entities may nominate up to three people each for consideration as a public member on the district board. Nominations shall include information regarding the qualifications of the nominee, and shall be sent to and compiled by the air pollution control officer of the district.

(i) Public health officers of local agencies in the district.

(ii) The American Lung Association, or its affiliate or subsidiary in the district.

(iii) The California Medical Association.

(iv) Any medical society in the district that is a bona fide professional society of individuals in the medical or nursing profession.

1 (v) Any health center located in the district that serves the  
2 Latino population in the district.

3 (vi) The Union of Concerned Scientists, or any of its affiliate  
4 or subsidiary organizations based in the district.

5 (vii) Any bona fide environmental health or respiratory health  
6 nonprofit organization with a demonstrated interest in public  
7 health issues in the district that is in existence on January 1, 2005.

8 (viii) The Latino Issues Forum.

9 (ix) The Fresno Native American Health Center.

10 (x) The Governor.

11 (xi) The Senate Committee on Rules.

12 (xii) The Speaker of the Assembly.

13 (D) The final list of candidates and qualifications shall be  
14 available for public review. The list shall include each candidate's  
15 name, mailing address, profession, and career experience.

16 (E) The district board shall appoint a public member selection  
17 subcommittee comprised of members of the district board to  
18 review and rank candidates. The subcommittee shall report to the  
19 district board during a public meeting in open session regarding  
20 their review and ranking of the candidates, including, but not  
21 limited to, the specific criteria used for that ranking.

22 (F) The district board shall select three public members from  
23 the list of candidates by April 30, 2005. Of those three public  
24 members, the district board shall select at least one public member  
25 that is a physician with expertise in the effects of air pollution on  
26 respiratory health. The district board may not select more than one  
27 public member from the list of people nominated by any single  
28 person, group, or entity pursuant to subparagraph (C). The district  
29 board shall set terms of office for each of the members, to be not  
30 less than two years and not more than four years. If the district  
31 board fails to select public members and set terms of office as  
32 described in this subparagraph, the district board shall not appoint  
33 public members, and public members shall be appointed as  
34 described in paragraph (4).

35 (4) (A) If the district board fails to appoint public members by  
36 April 30, 2005, in compliance with paragraph (3), those public  
37 members shall be appointed as follows:

38 (i) One member appointed by the Governor, with the advice  
39 and consent of the Senate. This member shall be a physician with

1 expertise in the effects of air pollution on respiratory health. This  
2 member shall serve an initial two-year term.

3 (ii) One member appointed by the Senate Committee on Rules.  
4 This member shall serve an initial four-year term.

5 (iii) One member appointed by the Speaker of the Assembly.  
6 This member shall serve an initial two-year term.

7 (B) After the initial term specified for each member in  
8 subparagraph (A), the term of office for each subsequent term for  
9 those members shall be four years.

10 (C) The members appointed pursuant to this paragraph shall be  
11 residents of the district and shall meet the requirements for  
12 candidates for public members in subparagraph (B) of paragraph  
13 (3).

14 (5) A member appointed pursuant to this section may not  
15 designate an alternate for any purpose or otherwise be represented  
16 by another person in his or her capacity as a member of the district  
17 board.

18 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~  
19 ~~Code, if the Commission on State Mandates determines that this~~  
20 ~~act contains costs mandated by the state, reimbursement to local~~  
21 ~~agencies and school districts for those costs shall be made pursuant~~  
22 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
23 ~~2 of the Government Code. If the statewide cost of the claim for~~  
24 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
25 ~~reimbursement shall be made from the State Mandates Claims~~  
26 ~~Fund.~~

27 *SEC. 2. No reimbursement is required by this act pursuant to*  
28 *Section 6 of Article XIII B of the California Constitution because*  
29 *a local agency or school district has the authority to levy service*  
30 *charges, fees, or assessments sufficient to pay for the program or*  
31 *level of service mandated by this act, within the meaning of Section*  
32 *17556 of the Government Code.*